



CITY OF AMESBURY
AMESBURY ZONING BOARD OF APPEALS

VARIANCE APPLICATION

Based on Mass. General Laws – Ch. 40A, Section 10 & 14

The Zoning Board of Appeals considers the following types of applications:

- Requests for Variances;
- Appeals of the decisions of the Zoning Enforcement Officer;
- Request to modify, alter or extend non-conforming uses and structures;
- Requests for Special Permits and Findings as set forth in the Amesbury Zoning By-laws

The Board generally meets once per month usually on the last Thursday. Unless otherwise stated, the meetings begin promptly at 7:00 p.m. The meetings are open to the public and the minutes recorded.

In order for your application to be heard at the next scheduled Board of Appeals meeting, your application **must be completed, in full, printed or typed and accompanied by all required documents.**

The Amesbury Board of Appeals Rules & Regulations requires that:

- A petition for Variance, Special Permit/Finding shall be made on such form or application issued from the Building Inspection Department.
- All petitions (forms/applications) for Variance, Special Permit/Finding or Notice of Appeal shall be **filed in the Office of the City Clerk** in a timely fashion, according to the date of filing deadline which is **thirty (30) days prior to the next regularly scheduled meeting** for the Zoning Board of Appeals. If you do not know the date of the deadline, please call the Town Clerk at 388-8100..
- An Appeal from the decision of the Zoning Compliance Officer/Building Commissioner shall be on the application for a **Notice of Appeal**.
- All petitions must be signed by the applicant or duly authorized representative.
- All petitions shall be completely filled out. Failure to do so may result in an incomplete petition. The Zoning Board of Appeals does not act upon any incomplete petition.
- In the event the applicant has appeared before any other town board, then the applicant shall include copies with this petition any decision, order, notice or similar determination as issued from the other town board, commission or authority.
- In some cases, a **Letter of Refusal** is needed and that would be issued by the Building Inspector. It is the responsibility of the applicant to request this letter if needed.
- If records show that taxes, water/wastewater and/or financial obligations are due on the subject property through the town, no permits will be issued until verification of fees are paid.

EXPIRATION OF VARIANCE:

If the Variance is not exercised within one (1) year of the date of issuance, then your rights are lapse and may be re-established only after notice and a new hearing.

APPLICATION FILING CHECKLIST

Please be advised if the application for Special Permit is submitted without complete information or is not completely filled out, the Zoning Board of Appeals has the right to dismiss without prejudice.

- **10 copies of completed application** (1 original and 10 copies)
- \$200 application fee
- Abutter notification postage fees
- Name and Massachusetts billing address, telephone number for **billing of legal ad:***

*Legal Advertisement will be submitted by the Permit Granting Authority.

Applicant will be billed directly from publisher.

- **Denial Letter** from Building Commissioner / Zoning Compliance Officer
- Town of Amesbury **Assessor Field Card**
- **Certified List of Abutters** (obtained from the Town of Amesbury Assessor)
- **Copy of Deed**, or letter of authorization from property owner
- **Certified Plot Plan** showing the following:
 - Location of all existing buildings, structures, driveways or similar man-made improvements to the property;
 - dimensions of all buildings, structures, driveways or similar man-made improvements to the property; dimensions of the property, i.e., area, boundaries, front/rear/side yard setbacks; location and dimensions of proposed buildings, additions or structures; location and dimensions of any private ways, easements or right-of-ways that abut or cross the subject property; a scale of measurements in the lower right-hand corner of the plan; an address of the subject property and the names and addresses of the applicant and owner in the lower right-hand corner of the plan; the name of the person or entity preparing the plan and the other pertinent information, locations or dimensions
- **Elevation Plans** showing measurements of the median height of the existing and proposed structures, not just simply drawn to scale.

In the event that the applicant has appeared before any other Town board, commission or authority, either directly or indirectly, in connection with a petition for Variance, application for Special Permit/Finding or Notice of Appeal pending before the Board, the applicant shall disclose such appearance. The applicant shall include with the petition for Special Permit/Finding any decision, order or similar determination as issued from the other town Board, Commission or Authority.

DATE SUBMITTED: _____

- 1.Name and address of applicant (please print):
- 2.Applicant Address:
- 3.Applicant Tel. _____ Cell: _____
- 4.Name of Property Owner: _____
- 5.Address of Property Owner: _____
- 6.Address of Subject Property: _____
- 7.Precinct (*voting district*): _____
- 8.Property Characteristics:

- a. sq. ft. of area: _____ existing _____ proposed
- b. frontage: _____ existing _____ proposed
- c. zoning district: _____
- d. dimensional requirements **(lot line setbacks)**:
 - front _____ existing _____ proposed
 - rear _____ existing _____ proposed
 - left side _____ existing _____ proposed
 - right side _____ existing _____ proposed
 - height _____ existing _____ proposed
 - stories _____ existing _____ proposed
 - building area _____ existing _____ proposed
 - open space _____ existing _____ proposed
- e. Present Use of Property: _____

9. Has a **Variance, Special Permit** and/or **Finding** ever been requested for the property? _____ yes _____ no

If **YES**, list date approved or denied: _____
 Name of Previous Owner/Applicant: _____

Attach a copy of decision and any pertaining information.

10. Has the applicant appeared before any town board, agency, commission or other authority either directly or indirectly for this application request? _____ If YES, please answer the following:

Date of Appearance: _____ Name of Owner/Applicant: _____
 Name of Board: _____

Attach copy of decision.

11. Provision(s) of the Amesbury Zoning Board By-laws which relate(s) to the requested variance (cite article(s) and section(s): please list

12. For what purpose do you request the variance?

STOP

The following is an excerpt from M.G.L. Ch. 40A 10, this statue sets forth the legal requirements for a variance.

“ The permit granting authority shall have the power after public hearing for which notice has been given by publications and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of applicable zoning ordinance or by-law where such permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or struc- tures and especially affecting land or structures by not affecting generally the zoning district in which it is located, a literal en-

forcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying substantially derogating from the intent or purpose of such ordinance or by-law. . .”

QUESTIONS 13-17 MUST BE ANSWERED IN ORDER TO CONSIDER YOUR APPLICATION

13. What substantial hardship will you suffer if the variance is not granted?

14. Explain what special conditions affect your land or structure as compared to other properties within the zoning district:

15. How is the financial hardship caused by one or more of the following?

Soil Conditions _____

Shape _____

Topography _____

Position of Buildings or Structures on the land _____

16. Describe how the characteristics of your property prohibit you from doing what you are trying to accomplish:

17. Given that the zoning by-laws were enacted for specific purposes, explain why there would be no substantial detriment to the public good if the variance were granted:

18. Explain why the variance may be granted without contradicting either the intent or purpose of the zoning by-laws:

19. Provide any other relevant information that you the Zoning Board of Appeals to consider:
